IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

WP(C).No. 21883 of 2007(E)

PETITIONER:

R.SHYLAJA KUMARI, RESIDING AT 'APPUS'
KURA P.O., KOLLAM (SECRETARY UNDER SUSPENSION
THALAVOOR SERVICE CO-OPERTIVE BANK LTD.,
THALAVOOR).

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:

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1. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL) KOLLAM.

2. THE THALAVOOR SERVICE CO-OPERATIVE
BANK LTD. NO.646, THALAVOOR P.O., KOLLAM,
REPRESENTED BY ITS SECRETARY IN CHARGE.

BY ADV. SRI.P.N.MOHANAN FOR R2
G.P.SRI.PUSHPALAKSHAN FOR R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 21883/07

APPENDIX

PETITIONER'S EXHIBITS:-

P1: True copy of the suspension order dated 24-5-2005
P2: True copy of the representation dated 25-6-2007

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.21883 of 2007-E

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Dated this the 6th day of December, 2007.

JUDGMENT

This writ petition was filed in relation to the suspension of an employee. There was an interim direction to pay subsistence allowance to her. Pending the writ petition, she has been dismissed from service. There is a dispute between the parties as to whether subsistence allowance, as due in terms of law, has been paid. Such disputes can be resolved by proceedings under the Payment of Subsistence Allowance Act, which applies to co-operative societies. Under such circumstances, this writ petition is disposed of without prejudice to any right of the petitioner to agitate on the question regarding the

correctness of the amounts paid as subsistence allowance and also without prejudice to her right to challenge the disciplinary proceedings.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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